

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:08CV530

LEISURE SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
Vs.)	<u>ORDER</u>
)	
GREGORY COGDILL; NARUMON G.)	
COGDILL; KC REALTY)	
INVESTMENTS, LLC; and RUTLEDGE)	
LAKE TRAVEL TRAILER RV)	
PARK, LLC,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed January 29, 2009.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On January 29, 2009, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Defendants' motion to dismiss. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 10 days of service of the Recommendation; the period within which to file objections expired on February 17, 2009. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that Defendants' motion to dismiss be denied.

IT IS, THEREFORE, ORDERED that Defendants' motion to dismiss is hereby **DENIED**.

IT IS FURTHER ORDERED that the parties file a Certificate of Initial Attorneys Conference and proposed pretrial order within 10 days from entry of this Order.

Signed: February 19, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

